United Nations CERD/C/NPL/Q/17-23

International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Ninety-fifth session
23 April–11 May 2018
Item 6 of the provisional agenda
Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the seventeenth to twenty-third periodic reports of Nepal

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Legal, institutional and public policy framework for combating racial discrimination (arts. 2–7)

2. Information on the budget allocated by the National Human Rights Commission, the National Foundation for Development of Indigenous Nationalities, the National Women Commission, the National Dalit Commission, the Dalit Development Committee and the Badi Development Board to anti-racial discrimination activities. Information on the methodologies employed by the above-mentioned bodies, the concrete results they have achieved, their monitoring activities and coordination between them. Information on the impact of the National Human Rights Commission Act of 2012. Information on steps taken to establish and operationalize the National Inclusion Commission, the Madheshi Commission and the Tharu Commission (CERD/C/64/CO/5, paras. 10 and 11; CERD/C/NPL/17-23, paras. 20–29, 43–45 and annex III).

3. Recent statistics, disaggregated by caste and ethnicity, on the enjoyment of economic, social and cultural rights, including access to adequate food, housing and health services; measures taken to address violations of these rights against minority ethnic groups and disadvantaged castes (CERD/C/NPL/17-23, paras. 119–138).

4. Examples of court cases and administrative decisions citing the Convention.

5. Information on the conformity of domestic legislation with articles 1 and 4 of the Convention (CERD/C/64/CO/5, para. 14; CERD/C/NPL/17-23, annex II).

6. Updated statistics and examples of investigations, prosecutions, convictions, sanctions and remedies for acts of racial discrimination, racist hate speech, hate crimes and

incitement to racial hatred (CERD/C/64/CO/5, paras. 14 and 15; CERD/C/NPL/17-23, paras. 48–49 and 143).

Racial and caste-based discrimination (arts. 2–7)

7. Updated statistics on the outcome of caste-based discrimination complaints filed under the Caste-based Discrimination and Untouchability (Offence and Punishment) Act of 2011; information on related sanctions and penalties (CERD/C/64/CO/5, para. 14; CERD/C/NPL/17-23, paras. 48–49, 143 and annex II).

8. Additional information on measures taken (i.e. through the Citizens Residence Programme), to improve housing conditions for disadvantaged castes or ethnic minority groups, including Dalits and emancipated *Kamaiyas*; efforts to address and prevent de facto caste-based residential segregation, and on the outcome of those measures (CERD/C/64/CO/5, paras. 12 and 18; CERD/C/NPL/17-23, para. 61).

9. Results of measures to ensure access to and enrolment in quality education regardless of caste or ethnicity; statistics on caste representation in schools (CERD/C/NPL/17-23, paras. 61, 64 and 119–125).

10. Caste-disaggregated statistics on civil service employment; the results of measures taken to provide labour protection to informal workers and to effectively enforce the Bonded Labour (Prohibition) Act of 2002 (CERD/C/64/CO/5, paras. 17 and 18; CERD/C/NPL/17-23, paras. 51, 62 and 63).

11. The results of efforts to end the social exclusion of inter-caste couples and other prejudicial societal attitudes towards Dalits and other disadvantaged groups, including through training and education (CERD/C/64/CO/5, paras. 12 and 20; CERD/C/NPL/17-23, paras. 66–69).

12. Detailed information on legal provisions adopted and measures taken to protect indigenous peoples from racial discrimination and ensure respect for their right to use their traditional lands and resources, as well as their outcome (CERD/C/64/CO/5, para. 13; CERD/C/NPL/17-23, sect. II (A) (2) (a) and paras. 22 and 47).

13. Measures to ensure equal access, regardless of caste, to health care, public spaces and public sources of food and water, and their results (CERD/C/64/CO/5, para. 12; CERD/C/NPL/17-23, para. 11).

14. Statistics on complaints, investigations, convictions and sanctions relating to allegations of ill-treatment and discrimination by law enforcement officials against Dalits and members of other vulnerable groups (CERD/C/64/CO/5, para. 15; CERD/C/NPL/17-23, para. 50).

15. Special measures to ensure due representation of members of disadvantaged groups, including Dalits, in political decision-making positions and in the mass media (CERD/C/64/CO/5, para. 21; CERD/C/NPL/17-23, paras. 68 and 69).

16. Efforts to eliminate harmful practices and exploitative labour practices, including *kamlari* and the *haruwa-charuwa* system of bonded labour, that disproportionately affect women and girls from disadvantaged castes (CERD/C/64/CO/5, para. 16).

17. Information on the situation of non-citizens, including migrant workers, asylum seekers and refugees (arts. 5–7).

18. Statistics on complaints, investigations, prosecutions, convictions, sanctions and remedies under the Human Trafficking and Transportation (Control) Act of 2007; statistics indicating the caste and nationality of victims of trafficking in persons; information on the effectiveness of measures implemented under the National Plan of Action against Human Trafficking, 2011–2021 (CERD/C/NPL/17-23, paras. 59 and 60).

19. Information on the absence of legal protection for refugees and asylum seekers; the availability of appropriate humanitarian assistance for migrants; the availability of personal identification documents for Tibetan refugees (CERD/C/64/CO/5, para. 19; CERD/C/NPL/17-23, paras. 64 and 65).

20. Specific information on the monitoring and regulation of agencies recruiting foreign migrant workers to work in Nepal and Nepalese workers to work abroad; statistics on investigations, prosecutions and sanctions for labour exploitation and abuse of foreign migrant workers in Nepal and of Nepalese workers employed abroad.

21. Information on measures taken to combat intersectional discrimination affecting indigenous women and women belonging to disadvantaged castes and ethnic groups (e.g. with respect to land rights, access to education, linguistic rights, security, representation in government, political participation).

Other concerns

22. Efforts to assess the impact of human rights training programmes for police, security and military forces; information on human rights training and education programmes implemented to foster intercultural dialogue, tolerance and understanding (CERD/C/NPL/17-23, para. 50).